THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2672 OF 2006

Dated: 23-02-2006

Between

U. Kalyan Chakravarthy, S/o. Jagan Mohan,

Occ: Lecturer, R/o.12-16And 17/305,

Kodanda Ram Nagar Colony, Saroornagar,

Ranga Reddy District and others.

...PETITIONERS

AND

Gaddiannaram Municipality, rep. by its

Commissioner, Gaddiannaram, Ranga

Reddy District.

...RESPONDENT

ORDER:

Petitioners seek to issue a Writ of Mandamus to declare the action of the respondent in threatening to demolish the structures in premises No.12-16 and 17/105, 202, 203, 204, 302, 303, 305 in S.No.207, Plot Nos.13 & 14, Kodandaramnagar Colony, Saroornagar, Ranga Reddy District without following due process of law as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the owners of the house property bearing premises No.12-16 and 17/105 in S.No.207, Plot No.13 & 14 admeasuring 576.5 Sq. yards situated at Kodandaramnagar, Saroornagar, Ranga Reddy District, which consists of three floors of the building. He further submits that the petitioners are absolute

owners, having purchased the said premises from the developers and vendors, who after obtaining permission from the Municipal Commissioner, Gaddiannaram vide proceedings No.B2/2001 dated 12.06.2001 constructed the said premises. It is further stated that the respondent officials are threatening to demolish the said premises without following due process of law.

Heard the learned counsel appearing for the petitioners as well as the learned standing counsel appearing for the respondent.

I am not inclined to express any opinion as to whether the said building has been constructed strictly in accordance with the sanction plan and permission. If there are any deviations in the construction of structures, it is open for the respondent to give notice and demolish the structures, but without issuing any notice the building of the petitioners cannot be demolished.

Accordingly, the respondent is directed to follow due procedure prescribed in law and ensure that the sanctioned plan and permission is adhered to and if there are any deviations, it is open for the respondent to issue notice calling upon the petitioners to submit an explanation with regard to the deviations and unauthorized constructions and take appropriate action in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 23, 2006

SHR